



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/526,219

03/01/2005

Erez Schwartz

049735-001000

6876

22204

7590

09/05/2008

NIXON PEABODY, LLP

401 9TH STREET, NW

SUITE 900

WASHINGTON, DC 20004-2128

EXAMINER

RENWICK, REGINALD A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,219	Applicant(s) SCHWARTZ, EREZ	
	Examiner REGINALD A. RENWICK	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber (U.S. Patent No. 5,455,749).

Re claim 1: Ferber discloses an electronic jigsaw puzzle game that comprises of a jigsaw puzzle (Fig. 8) that has a plurality of interconnecting pieces that contain conductive composition stripes on the back surface of the pieces that communicate to one another when the multi-sided interconnecting pieces are connected together (column 9, lines 13-67; column 10, line 1). After the pieces are connected the interconnecting pieces will communicate to one another and a battery pack to illuminate the jigsaw puzzle with a plurality of LED modules or sound modules (column 9, 13-50). Ferber discloses that there is a controller means connected to one jigsaw puzzle, which is disclosed as the battery pack and controller member (column 9, lines 37-42; 60-67; column 10, lines 2-8). To one skilled in the art, the jigsaw puzzle game

Art Unit: 3714

pieces can easily be adapted to an electronic card game as it is a simple matter of intended use as to which game to apply the jigsaw puzzle pieces. Furthermore, the examiner believes that although the controller is connected but located outside of the electronic card, one skilled in the art could easily place the controller device within the puzzle piece as it is simply a matter of relocation of parts wherein the puzzle piece can be enlarged height wise for placement of the controller.

Re claim 2: Ferber does not explicitly disclose a light and sound emitting jigsaw puzzle that can be stacked in a bi-directional pattern, however jigsaw puzzle pieces can be both can be stacked in a bi-directional pattern across the x and y axis (Fig.8).

Re claim 6, 7, 8: Ferber discloses that when the user connects two pieces together the game pieces activate a sound or light output mechanism Ferber discloses an electronic jigsaw puzzle that comprises of an output means including sound generating means that includes a loud speaker (Fig. 10; column 9, lines 13-28; column 10, lines 19-51).

Re claim 9. Ferber discloses that the electronic jigsaw puzzle discloses outputting means including Light Emitting Diodes (LEDs) (column 9, lines 14-28).

3. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber in view of Sandeen (U.S. Patent No. 5112058).

Re claim 3: Ferber significantly meets the limitations of claim 3 except for that the game card is shaped as a planar triangle, square, pentagon or hexagon. However Sandeen discloses a card game puzzle that contains cards that are in the shape of a hexagon containing a cover code (Fig. 3B). Ferber specifically discloses puzzle pieces which are non-geometric shapes (column 5, lines 20-25). Sandeen discloses the use of a hexagon shape for use as a game piece. Because both Ferber and Sandeen disclose game pieces it would have been obvious to substitute one item shape for another for achieving the predictable result of using shaped game indicia within a game. It would have been obvious to one skilled in the art to modify the invention of Ferber to incorporate the specific card designs of Sandeen as it is a simple matter of design choice as to the specific designs of the puzzle pieces.

4. Claim 4 rejected under 35 U.S.C. 103(a) as being obvious over Ferber in view of Dewa et al (U.S. Patent No. 6,585,265).

Re claim 4: Ferber significantly meets the limitations of claim 4, except for disclosing that the game machine further incorporates a user input means. Dewa et al. discloses

Art Unit: 3714

a game piece with a user input means (column 3, lines 29-58). It would have been obvious to one skilled in the art to modify the invention of Ferber with the user input means of Dewa to depict particular properties of the game piece.

5. Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber in view of Itkis (U.S. Patent No. 4,624,462).

Re claim 5: Ferber and Dewa et al. in combination significantly meets the limitations of claim 5, except for disclosing that the electronic game card contains user input means include push buttons, a keyboard or keypad or a combination thereof. However, Itkis discloses an electronic card and board game containing a keyboard (column 4, lines 15-20).

6. Claim 10, 13, 14, 16, and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber in view of Dewa in further view of Heit (U.S. 6,464,503).

Re claim 10: Ferber significantly meets the limitations of claim 10 except for disclosing that each card includes controller means and, and wherein one of the cards is a master cards each card and to activate output means in each card according to rules of the games stored therein, and the rest of the cards are slave cards storing each a

Art Unit: 3714

personality code. However, Heit discloses a game in which each card contains a controller (column 6, lines 1-10). It would have been obvious to one skilled in the art to modify the game pieces of Ferber with the controllers of Heir, for the purpose of allowing transmission of data between game pieces and a main computer

Furthermore, Dewa et al. discloses a board game where there is a master piece (column 5, lines 33-45; column 10, lines 1-13) containing certain rules as to its specific power, that is the basis for slave pieces to create a path (column 7, lines 33-42) each having a specific type of personality relative to their unfolded dice shape and that the player can write a distinctively write on the Position Mark to distinctly identify where the die is placed on the game board (column 3, lines 34-42). Additionally, the output means of each game piece is regulated by rules listed on a corresponding card for each game piece (column 9, lines 10-67).

Re claim 13: Ferber discloses that each game piece contains a particular personality in its particular lighting effects wherein a particular game piece may have between one or four LED strips (Fig. 8)

Re claim 14 : Ferber fails to meet all of the limitations of claim 14. However, Dewa et al. discloses a board game played by plural players in which the amount of players

Art Unit: 3714

can be between one and four and setting up the game, wherein each participant locates his/her cards on a flat surface, adjacent to each other; performing a setup procedure, wherein game parameters are set up, including various values such as the number of players (column 7, lines 24-42). Additionally, Dewa et al. discloses including various values such as the number of players and automatically recognizing the configuration by the topology of the connected cards. Furthermore, Dewa et al. discloses allowing each player to enter his/her input into the game, in their turn, and responding accordingly (column 3, lines 29-58); and updating the parameters of the game responsive to a topology of the game wherein a new addition of a new card is automatically detected and acknowledged strictly by its placement on the game that effects the rest of the game and the manner in which it is played by the next player as a space is no longer available on the board, the topology comprising a location of the cards relative to each other (Fig. 10; column 10, lines 65-67; column 11, lines 1-34). The examiner believes that the parameters of the game are constantly updated do to the new topology after each game piece is placed on the game board, which makes players change strategies accordingly. Dewa et al. also discloses that the players after each round are allowed to add game pieces to the topology (column 5, lines 45-65), therefore cards are distinguished from game pieces that were present during setup strictly by their placement on the game map in that the game pieces first placed on the game board are located closest to the player. Furthermore, Dewa et al. discloses that when the game ends when the Master Card has suffered a predetermined amount of damage (column 6, lines 57-64). The examiner believes that because the game ends

due to a relative event occurring due to the Master Piece's position on the board, it is understood that the opponent has captured the Master Piece. Furthermore, Faber discloses a sound mechanism that could be triggered at any point in the game and especially at the conclusion of the game to signal the game's end.

Re claim 16: Feber discloses that game pieces are updated with particular lighting effects, however Feber does not disclose that the updates effect the game itself. Dewa et al. discloses that updating parameters of the game responsive to a topology of the game, wherein the parameters affected by the topology may include the game speed and the relative performance of characters (column 3, lines 23-31).

Re claim 17: Feber fails to disclose the limitations of claim 17. Dewa et al. discloses building a path, with each player has there one path in the cards, and by adding them to the game he/she can enable routes, or move a card to another location (column 1, lines 57-61; column 5, lines 45-55). Although a maze is not explicitly stated in Dewa et al., when the player is creating a path, they are trying to avoid the certain pieces in the path of the other player, creating a maze that they need to work through from point A to point B.

7. Claims 11 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feber in view of Dewa in view of Heit in view of Bromley (5,026,058) in further view of Neueberger (U.S. Patent No. 5,224,600)

Re claim 11 and 12: Ferber significantly meets the limitations of claim 12 except for disclosing that each detachable thin cover card contains both a graphic description and a corresponding electronic (coded) description thereof. However, Bromley discloses an electronic baseball game apparatus in which each individual card comprises of a bar code printed on a sticker that is placed on the edge of a card, with statistical information regarding the card, while the card itself contains a graphical representation (Abstract, Fig. 9A, Fig. 9B). Furthermore the examiner recognizes that although not explicitly stated as detachable, it is well known in the art that a sticker can be stuck on to an object and removed from the object. The combination of Ferber and Bromley lack a detachable thin cover, however Neugebauer discloses a thin card holder including a transparent base (Abstract). It would have been obvious to one skilled in the art to modify the invention of Ferber with the Neueberger for the purpose of viewing the LED lighting created within the game cards.

8. Claims 15 and 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feber in view of Dewa in view of Heit in further view of RISK.

Art Unit: 3714

Re claim 15: Ferber and Dewa et al. significantly meets the limitations of claim 15, except for disclosing distinguishing between card additions during setup versus additions between rounds, and activating different routines in each case, wherein in the former case the parameters in all the player owned areas are set to their default values, whereas in the latter case only the additional cards are set to their default values, and wherein a card being reactivated returns to its last known state, with its corresponding values. However in the game of Risk, a player owned areas adjacently to each other representing various territories, and as each card is placed adjacent to card placed at setup, the original card gains more and more value. It would have been obvious to one skilled in the art to modify the game of Ferber and Dewa to try to incorporate the strategy of RISK, as it is a common method of played a game between two players

Re claim 18: Ferber discloses that the master card further comprises a power source and interconnections to transfer power to the slave cards (Fig. 8, Fig. 10).

9. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber in view of Dewa in view of Heit in further view of Muroi (U.S. PG PUB 2002/0052238).

Re claims 19 and 20: Feber fails to disclose that the master card further comprises connector to a personal computer. However Muroi discloses such (Abstract).

Furthermore Muroi discloses that each card discloses a memory device. It would have been obvious to one skilled in the art to modify Feber with the computer transmission device of Muroi for the purpose of transforming the personality and properties of the game card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/526,219
Art Unit: 3714

Page 12

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

RR
9/5/2008